

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Nicholas Alan Cross

Docket No. 7:16-CR-65-1H

Petition for Action on Supervised Release

COMES NOW Michael Torres, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Nicholas Alan Cross, who, upon an earlier plea of guilty to 18 U.S.C. § 2252(a)(2), Possession of Child Pornography, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on December 6, 2016, to the custody of the Bureau of Prisons for a term of 24 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

Nicholas Alan Cross was released from custody on October 19, 2018, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: The defendant is requesting access to a smart phone in order to access email and it is requested that technology monitoring conditions be ordered to ensure compliance with the conditions of release.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. To ensure compliance with supervision, the defendant shall submit to unannounced searches of any computer or computer equipment (including mobile phones, tablets, and data storage devices) which may include the use of computer monitoring technology, computer search or analysis software, and copying of all data from the device and external peripherals. Such examination may require the removal of devices from the defendant's possession for the purpose of conducting a thorough inspection.
2. At the direction of the U.S. Probation Officer, the defendant shall consent to the installation of systems or software that will allow the probation officer or designee to monitor computer use on any computer that the defendant owns or is authorized to use. The defendant shall pay the costs of this monitoring.
3. The defendant shall not use, possess, or control any computer-based counter forensic tools. The defendant shall not use or have installed any programs specifically and solely designed to encrypt data, files, folders, or volumes of any media. The defendant shall, upon request, immediately provide the U.S. Probation Officer with any and all passwords required to access data compressed or encrypted for storage by any software.
4. The defendant shall not have any social networking accounts without the approval of the U.S. Probation Officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Eddie J. Smith
Eddie J. Smith
Supervising U.S. Probation Officer

/s/ Michael Torres
Michael Torres
U.S. Probation Officer
150 Rowan Street Suite 110
Fayetteville, NC 28301
Phone: 9103542534
Executed On: October 25, 2018

ORDER OF THE COURT

Considered and ordered this 6th day of November, 2018, and ordered filed and
made a part of the records in the above case.



Malcolm J. Howard
Senior U.S. District Judge